HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1788 (S/S) 2005

Hari Singh S/o Sri Nakli Ram,
R/o village Libberrhedi, P.O. Libberhedi Khas,
District Haridwar. ----Petitioner.

Vs.

1. State of Uttaranchal through its Secretary,
   Ministry of Technical Education,
   Civil Secretariat, Dehradun,
2. Director of Technical Education, Uttaranchal,
   Dehradun,
3. Committee of Management,
   Kanhaiya Lal Ploytechnic Roorkee
   Haridwar through its Manager,
4. Principal, Kanhaiya Lal Polytechnic,
   Roorkee, Haridwar. ----Respondents.

Sri Pankaj Miglani, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Miglani, learned counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner, by means of this writ petition, has prayed to issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to grant approval for appointment of the petitioner as a Class IV employee in the Institution.

Submission of the petitioner is that initially he was appointed on 05.10.1986 o Ad-hoc basis in K.L. Polytechnic, Roorkee. The appointment of the petitioner was purely temporary. On 01.11.1989, the petitioner was reappointed as Chowkidar in a hostel, which was being run by the Institution itself. Again on 30th July 1998 he was appointed as Class IV employee, however vide order dated 29.09.1998 he was asked to work as Chowkidar in the hostel indicating therein that his salary for the month of September 1998 has not been approved by the joint Director. Feeling aggrieved with the orders of the

respondents, the petitioner, alongwith three other persons, filed writ petition no. 2309 (ss) 2001 before Allahabad High Court. The said writ petition was later-on transferred to this High Court after creation of State of Uttaranchal. In the meantime the respondents has assured the petitioner that they will accord approval to his appointment in the Institution, provided he withdraws the writ petition filed by him.

It is further submitted that on the assurance of the respondents, the petitioner took permission of this Court to withdraw the writ petition and accordingly this Court passed order of withdrawal on 29.07.2002. More than three years have been elapsed but the respondents have not accorded approval to the appointment of petitioner on Class IV post in the Institution.

During the course of arguments, counsel for the petitioner confined his prayer that he may be permitted to move representation before the respondent no.2 and the respondent no.2 may be directed to take decision on his representation within a particular period prescribed by this Court.

The prayer is innocuous.

Accordingly, the petitioner is permitted to make a representation before the respondent no. 2 raising all his grievances within three weeks from today and the respondent no. 2 is directed to take decision on the representation of the petitioner in accordance with law within a period of four weeks from the date of production of a certified copy of this order alongwith the representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 2, 2005:
NCM: